

### **REMARKS**

Claims 1, 3-7 and 9-23 remain pending in the present application. Claims 11 and 17 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 3-7, 10, 11 and 13-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ergun (U.S. Pat. No. 4,823,922) in view of Henry-Biabaud (U.S. Pat. No. 3,432,008). Applicants respectfully traverse this rejection. Claims 11 and 17 have been amended to include the limitations of Claim 1 which define the individual different opening pressures of the valves. Applicants believe this is not a new issue since it was addressed for Claim 1 and Applicants believe this places the application in a better condition for appeal since the issue of different pressures is now in each independent claim.

The Examiner's position is that Ergun teaches a shock absorber disclosing the elements of the present invention except that Ergun fails to teach adjustable valves. Applicants disagree with this interpretation of Ergun because independent Claims 1, 11 and 17 each define that the valves actuate at a different valve opening pressure. The Examiner cites column 5, lines 46-47 of Ergun which states "valve springs and pins can be modified to effect different damping characteristics". The broad interpretation of this by the Examiner is that this can be interpreted as individually different damping characteristics.

There is no support in Ergun for the Examiner's conclusion or broad interpretation of Ergun since Ergun teaches against the concept of having differently configured valve assemblies. Ergun consistently describes "identical" valve assemblies as described in our previous response. In addition, Ergun in column 6, lines 42-43 states that the structure of the piston assembly 28, which the valve assemblies are a part of, is advantageous in its interchangeability of components. Thus, the Examiner's broad interpretation goes against the teachings of Ergun since it destroys one of the stated advantages of Ergun, the advantage being interchangeable components. If individual valve springs and individual pins are modified, interchangeability of components is eliminated.

Thus, Applicants believe Claims 1, 11 and 17 patentably distinguish over the art of record. Likewise, Claims 3-7, 10, 13-16, 18 and 19, which depend from either Claims 1, 11 or 17, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ergun in view of Henry-Biabaud as applied to claim 1 above, and further in view of Harper, et al. (U.S. Pat. No. 4,596,321). Applicants respectfully traverse this rejection. Claim 9 ultimately depends from Claim 1. As detailed above, Claim 1 is believed to patentably distinguish over the art of record. Thus, Claim 9 is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 20, 21 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ergun in view of Henry-Biabaud and in view of Katz (U.S. Pat. No.

4,624,346). Applicants respectfully traverse this rejection. Claim 20 is a method claim which defines the rebound and the compression valves as opening sequentially upon exposure to a predetermined set of increasing fluid pressures. The above discussion of Ergun and Henry-Biabaud applies here also. Katz does not provide support for the Examiner's interpretation either. Thus, Applicants believe Claims 20, 21 and 23 patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ergun in view of Henry-Biabaud and Katz as applied to claim 20 above, and further in view of Harper, et al. (U.S. Pat. No. 4,596,321). Claim 22 ultimately depends from Claim 20. As stated above, Claim 20 is believed to patentably distinguish over the art of record. Thus, Claim 22 is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

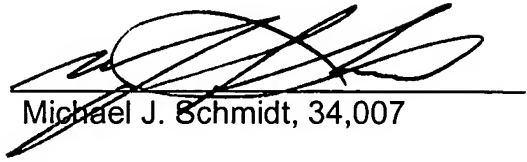
#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:



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